



S/N 09/658,795

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles A. Lemaire et al. Examiner: Thuy N. Pardo
Serial No.: 09/658,795 Group Art Unit: 2175
Filed: September 11, 2000 Docket: 750.006US1
Title: TRANSACTION-BASED OBJECT-ORIENTED MULTIPART DATABASE
METHOD AND APPARATUS

**APPEAL BRIEF TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

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Commissioner for Patents,
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Sir or Madam:

This brief is presented in support of the Notice of Appeal filed on June 25, 2004, from the rejection of pending claims 10-16 and 18-34 of the above-identified patent reissue application. Applicant appeals the Final Office Action mailed March 26, 2004 and Advisory Action mailed September 20, 2004.

A single copy of the Appeal Brief is being filed. Applicant respectfully requests reversal of the Examiner's rejection of pending claims 10-16 and 18-34.

The Appeal Brief is accompanied by a petition for an extension of time, wherein that extension-of-time fee only is to be charged to Deposit Account 502931.

If any other fees are deemed to be due, they may be charged to Deposit Account No 19-0743.

12/08/2004 MBEYENE1 00000076 502931 09658795

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APPEAL BRIEF

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Real Party in Interest

The present patent is owned by the inventors, Charles A. Lemaire and Steven W. Lundberg, who are the real parties of interest.

Related Appeals and Interferences

There are no other appeals or interferences known to Applicant which will have a bearing on the Board's decision in the present appeal.

Status of the Claims

Claims 10-16 and 18-34 are pending in this application. Claims 10-16 and 18-34 are presently rejected and are the subject of the present appeal. Method claim 31 is amended herein solely to correct a claim-numbering-dependency error, since **method** claim 31 should depend on **method** claim 30, not on **system** claim 24.

Status of the Amendments

No amendment was filed subsequent to the Amendment and Response filed December 23, 2003 and the Final Office Action mailed March 23, 2004.

Summary of the Claimed Subject Matter

The claims of the present application are directed to a method and system for applying database transactions (e.g., as encapsulated in action objects) to modify, update, and access a multipart database. Claim 10 provides:

“A computerized method for a transaction-based object-oriented multipart database system, comprising:

receiving a plurality of transactions for the database system including a first transaction from a service provider and a second transaction from a service

consumer, wherein the first and the second transactions are each associated with the service consumer;

storing the plurality of transactions into the database system;

selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled; and

accessing the stored first and second transactions associated with the service consumer to whom access is enabled, the accessing being performed by the service consumer to whom access is enabled.”

The other pending claims are as recited at page 12 of this brief.

As described in the Abstract of the present application,

“Action data include service requests from a service consumer, service reports and billing reports from a service provider. Action data for both the provider and the consumer are encapsulated into an action object by an action processor and transmitted via common telecommunications infrastructure. When received, the action object is unencapsulated by an action processor and processed further by updating the receiver’s action database or visually displaying the data in a computer monitor.”

The transactions are computer-actionable data that add to or modify information in a database. A computer program, upon receiving a transaction, updates the database. A service consumer or user identifies themselves to the database program, and is provided access to database information pertaining to only those transactions associated with that user.

Grounds of Rejection to be Reviewed on Appeal

Claims 10-16 and 18-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Jawahar et al. (hereinafter “Jawahar”) U.S. Patent No. 6,298,356.

Argument

Rejection Under 35 U.S.C. § 102(e)

1) The Applicable Law for Rejections Under 35 U.S.C. § 102(e)

35 U.S.C. 102. Conditions for patentability; novelty and loss of right to patent.

A person shall be entitled to a patent unless –

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

MPEP 2131 notes:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in “at least one of two-digit, three-digit, or four-digit” representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.

“The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The elements must be arranged as required by the claim, but this is not an *ipsisimilis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

2) The 35 U.S.C. § 102(e) Rejections

Claims 10-16 and 18-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Jawahar et al. (hereinafter "Jawahar") U.S. Patent No. 6,298,356. Applicants respectfully appeal the rejection. Jawahar describes a system wherein a customer accesses a web page using the customer's computer and browser, is connected to a sales agent who is using the agent's browser and computer, and the customer and agent are connected to one another to converse by text windows and/or telephone. (*See, generally, column 13 lines 10-28.*)

Analysis

Jawahar fails to anticipate the present claims, since it does not contain each and every element as set forth in the claim, either expressly or inherently described (*See Verdegaa, supra page 5*). Jawahar fails to teach or suggest storing both the second transaction by the service consumer (Jawahar's "customer") and the first transaction by the service provider (Jawahar's "agent") into the database, wherein access to the transactions is selectively enabled to the service consumer/customer based on an identification of the service consumer, and wherein the transactions are then accessed by the service consumer/customer. The Final Office Action mailed March 26, 2004 points to Figs. 1, 2, 4, and 12, none of which show a plurality of transactions for a database including one from a service consumer and one from a service provider.

Although Jawahar uses the word "transaction," the meaning of that word as used by Jawahar is not the same as "transaction" as used in the present application (i.e., the transactions are computer-actionable data that add to or modify information in a database).

Jawahar at column 4 lines 10-24 describes what they mean by "transaction":

"Exemplary transactions in a transaction processing environment include telephone calls, facsimile transmissions, electronic mail (e-mail), video sessions, or network sessions (such as an Internet session). A particular transaction can be either inbound (e.g., received by a transaction processing system) or outbound (e.g., transmitted from a transaction processing system).

A transaction processing system is any device capable of receiving, transmitting, queuing, routing, or otherwise processing a transaction. A transaction processing system may also handle mixed transactions (e.g., receive a telephone call and respond to the telephone call using e-mail). Example transaction processing systems include automatic call distributors (ACDs), call centers, and other telephone call processing devices. The teachings of the present invention may be used with any type of transaction processing system."

As far as Applicant can determine, Jawahar does not selectively enable the service consumer to access any stored transactions in a database system. In contrast, the invention recited in claim 10 of the present application provides **"selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled."** The Examiner points to column 4, lines 28-34 and column 6, line 44 to column 7, line 52 of Jawahar. Applicant can find no teaching or suggestion in these sections of Jawahar cited by the Examiner that enable the customer, based on identification of the customer, to access those defined transactions in the database system (as recited in claim 10 and claim 14).

The Final Office Action points to tables of information in Jawahar alleged to be accessed by the customer; however, this is a log of web pages accessed and time spent at each (commonly called a "click list"). The customer is sent web pages to look at and text (from the agent) to read, but does not have access enabled to obtain transaction information from both the customer and agent from the database system. Applicant emphasizes that this log does not enable access by the service consumer (Jawahar's "customer") to transactions stored in the database system based on an identification of the customer.

Jawahar describes their database in three ways:

" A database 30 is coupled to LAN 16 and is used by transaction processing system 10, agents 20 and 32, and server 12 to store and retrieve various types of information. For example, database 30 may contain information about the transaction processing system, the performance of the system, and the agents and customers that use transaction processing system 10. Since database 30 is coupled to LAN 16, all agent computers, servers, and other devices coupled to LAN 16 are capable of storing and retrieving information from the database." (*column 5 lines 37-46.*)

further:

“ Database management server 60 (contained in server 40) manages information contained in data base 58. The information stored in database 58 includes customer information, product or service information, transaction tracking information, and other data that may be used by transaction processing system 42, agents, customers, or server 40. Application server 62 communicates with database management server 60 and provides information to agent application 70. For example, application server 62 can retrieve information about a customer from database 58 using database management server 60. The retrieved information is then provided to agent application 70 across LAN 46 for display on agent computer system 50.” (*column 7 lines 53-65.*)

and finally:

“ A data logging and reporting module 112 controls the storage (or logging) of transaction information in database 58 using database management server 60. Additionally, module 112 is capable of generating various types of reports summarizing or identifying performance characteristics and other information related to the transaction processing environment. For example, module 112 may generate reports detailing the overall transaction handling performance, such as the number of transactions handled per hour, the average response time for each type of transaction, and the number of transaction responses that exceeded a quality of service limit for the transaction.” (*column 9 lines 37-46.*)

Jawahar does not describe nor suggest receiving transactions for its database system as such, but rather the data logging merely tracks a click list from the customer's use of the internet. There is no description of the customer accessing transactions in the database.

In contrast, the present invention as recited in claims 10 and 14 provides a method (or media having the method) comprising:

receiving a plurality of **transactions for the database system** including a **first transaction from a service provider** and a **second transaction from a service consumer**, wherein the first and the second transactions are each associated with the service consumer;
storing the plurality of transactions into the database system; and
selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled. (*emphasis added*)

The recited combination of transactions and the selective enabling of accesses to the database distinguishes the present invention from Jawahar. Accordingly, reconsideration and allowance of these claims and their dependent claims is respectfully requested.

As to dependent claims 11, 15, and 32, Jawahar describes "an expiration date of the requested resource determines whether the requested resource should be cached," but does not describe a docketing provider. In contrast, the present invention is useful for such professions as law and others wherein due dates are routinely provided by a docketing provider (i.e., wherein a list of actions due by the service provider is generated (page 24 last paragraph of the instant application), e.g., as is well known in the patent drafting art, this list provides the due date for performance of various items is specified according to rules for each item). The Final Office Action has failed to provide a *prima facie* case of anticipation. The claimed combination where the method further includes "receiving transactions by a docketing provider" is clearly distinguished. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claims 12, 20, 26 and 33, Jawahar describes logging past web accesses and communicating changes in the agent's and customer's pages, but does not describe logging action items (i.e., items wherein action is required in the future, usually by a date certain, for each item). In contrast, this feature of the present invention is useful for such professions as law and others. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claim 16, Jawahar describes logging past web accesses and communicating changes in the agent's and customer's pages, but does not describe logging action items (i.e., items wherein action is required for each item). In contrast, the present invention is useful for such professions as law and others. Reconsideration and allowance of this claim is respectfully requested.

As to claim 18, this claim and its dependent claims are means-plus-function claims, and must be examined under 35 U.S.C. § 112 paragraph 6, to be the structure and acts described in the present invention and equivalents thereof. The Final Office Action has failed to provide a reference with the required equivalents as analyzed under 35 U.S.C. § 112 paragraph 6. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claims 22 and 28, Jawahar does not describe extracting a database transaction from an electronic message. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claims 23 and 29, Jawahar does not describe an input device for a database transaction, but rather a generic input device. Applicant cannot find any indication that this input device is used for entering a database transaction in Jawahar. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to the remaining claims not separately discussed above, each is dependent on a claim that appears allowable, as discussed above. Further, each describes further limitations that form a combination with the respective parent claim, and these combinations are also not described in the cited reference. Accordingly, reconsideration and allowance of these claims is respectfully requested.

Applicant respectfully request reversal of the rejections of claims 10-16 and 18-34. Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

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Conclusion

It is respectfully submitted that the cited art neither anticipates or renders the claimed invention obvious and that therefore the claimed invention does patentably distinguish over the cited art. It is respectfully submitted that claims 10-16 and 18-34 should also be allowed in view of the arguments presented. Reversal of the Examiner's rejections of claims 10-16 and 18-34 is respectfully requested.

The Examiner is invited to telephone Applicant's attorney (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Appeal Brief -- Patents, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 1st day of December 2004.

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Name

Charles A. Lemaire
Signature

Claims Appendix -The Claims Under Appeal

Claims 1-9 (Cancelled).

10. (Previously presented) A computerized method for a transaction-based object-oriented multipart database system, comprising:

receiving a plurality of transactions for the database system including a first transaction from a service provider and a second transaction from a service consumer, wherein the first and the second transactions are each associated with the service consumer;

storing the plurality of transactions into the database system;

selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled; and

accessing the stored first and second transactions associated with the service consumer to whom access is enabled, the accessing being performed by the service consumer to whom access is enabled.

11. (Original) The method of claim 10, wherein receiving transactions further comprises receiving transactions by a docketing provider.

12. (Original) The method of claim 10, wherein accessing the stored transactions further comprises viewing a log of pending action items.

13. (Original) The method of claim 10, wherein the service consumer uses a browser to access the stored transactions.

14. (Previously presented) A computer-readable media comprising computer-executable instructions, wherein the instructions when read and executed by a computer comprise:

receiving a plurality of transactions for the database system including a first transaction from a service provider and a second transaction from a service consumer, wherein the first and the second transactions are each associated with the service consumer;

storing the plurality of transactions into the database system; and

selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled.

15. (Previously Presented) The computer-readable media of claim 14, wherein receiving transactions further comprises: receiving the transactions at a docketing provider system.

16. (Original) The computer-readable media of claim 14, wherein the transaction is associated with a service matter.

Claim 17 (Cancelled).

18. (Previously Presented) A computer system, comprising:

a receiver coupled to receive database transactions, the transactions being from a first service provider and from a first service consumer, wherein each of these transactions is associated with the first service consumer;

storage operatively coupled to store information of the plurality of database transactions;

means for enabling access by the service consumer to stored transactions associated with the service consumer to whom access is enabled; and

means for accessing the stored transactions associated with the service consumer to whom access is enabled, the accessing being performed by the service consumer to whom access is enabled.

19. (Previously Presented) The system of claim 18, wherein the receiver is also coupled to receive transactions from a docketing provider, and wherein the storage also stores docketing information, the system further comprising means for enabling access by the first service provider to the docketing information.

20. (Previously Presented) The system of claim 18, wherein the means for accessing the stored transactions further comprises means for viewing a log of pending action items.

21. (Previously Presented) The system of claim 18, wherein the service consumer uses a browser to access the stored transactions.

22. (Previously Presented) The system of claim 18, wherein the receiver receives an electronic message, the system further comprising:
a decoder that extracts the transaction from the electronic message.

23. (Previously Presented) The system of claim 22, further comprising at the service provider:
an input device that obtains a database transaction;
an encoder that inserts the transaction into an electronic message; and
a transmitter that sends the electronic message to the receiver.

24. (Previously Presented) The system of claim 18, further comprising:
a database stored in the storage, the database holding data for a plurality of service consumers including the first service consumer and for the first service provider; and
a database transaction processor operatively coupled to the receiver of database transaction information and to the storage.

25. (Previously Presented) The system of claim 24, wherein the receiver is also coupled to receive transactions from a docketing provider, and wherein the storage also stores

docketing information, the system further comprising means for enabling access by the first service provider to the docketing information.

26. (Previously Presented) The system of claim 24, wherein the means for accessing the stored transactions further comprises means for viewing a log of pending action items.

27. (Previously Presented) The system of claim 24, wherein the service consumer uses a browser to access the stored transactions.

28. (Previously Presented) The system of claim 24, wherein the receiver receives an electronic message, the system further comprising:
a decoder that extracts the transaction from the electronic message.

29. (Previously Presented) The system of claim 28, further comprising at the service provider:
an input device that obtains a database transaction;
an encoder that inserts the transaction into an electronic message; and
a transmitter that sends the electronic message to the receiver.

30. (Previously Presented) The method of claim 10, wherein each of the receiving transactions further comprises:
receiving an electronic message; and
decoding the transaction from the electronic message.

31. (Previously Presented) The method of claim 24 30, further comprising at the service provider:
receiving a database transaction;
encoding the transaction into an electronic message; and
transmitting the electronic message.

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32. (Previously Presented) The method of claim 31, wherein the receiving of transactions further comprises receiving transactions by a docketing provider.

33. (Previously Presented) The method of claim 31, wherein the accessing of the stored transactions further comprises viewing a log of pending action items.

34. (Previously Presented) The method of claim 31, wherein the service consumer uses a browser to access the stored transactions.

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Evidence Appendix

(none)

Related Proceedings Appendix

(none)